



# Fact Sheet

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## **You Make the Call: The FTC's New Telemarketing Sales Rule**

The Federal Trade Commission's (FTC) amended Telemarketing Sales Rule (TSR) puts consumers in charge of the number of telemarketing calls they get at home. The amended Rule created the National Do Not Call Registry, which makes it easier and more efficient for consumers to stop getting telemarketing sales calls they don't want.

### **How can I put my number on the National Do Not Call Registry?**

Consumers will be able to register for free in two ways: online or by telephone. Online registration for the National Do Not Call Registry will be available to consumers coast-to-coast on June 27, 2003. Telephone registration will open for consumers in states west of the Mississippi River—including Minnesota and Louisiana—on the same date. On July 7, 2003, telephone registration will be available to the entire country. As of October it will be illegal for most telemarketers to call a number listed on the registry.

### **When will the National Do Not Call Registry take effect?**

The FTC and the states will begin enforcing the National Do Not Call Registry on October 1, 2003. That's the when consumers already on the registry will notice a downturn in the number of telemarketing calls they get.

### **What does registration entail?**

If you register by phone, you must call from the number you want to register. If you register online, you must provide an email address for confirmation. You will have to open an email and click on a link in it for your online registration to be complete. The only identifying information that will be kept in the registry will be the phone number you register. You can expect fewer calls within three months of the date you sign up for the registry.

## **How does the National Do Not Call Registry work?**

Your number will stay in the registry for five years, until it is disconnected, or until you delete it from the registry. After five years, you will have to renew your registration.

The law requires telemarketers to search the registry every three months and synchronize their call lists with the phone numbers that are on the registry. If you receive telemarketing calls after you have registered your telephone number and it has been in the registry for three months, you can file a complaint. You will have to know the company's name or phone number to file a do not call complaint. A telemarketer who disregards the National Do Not Call Registry could be fined up to \$11,000 for each call.

## **Will the National Do Not Call Registry cover all telemarketing calls?**

Placing your number on the National Do Not Call Registry will stop most telemarketing calls, but not all. Some businesses are exempt and can call you even if you place your number on the national registry. Political organizations, charities, telephone surveyors, and the business of insurance to the extent that it is regulated by state law are permitted to call you.

Organizations with which you have an established business relationship can call you for up to 18 months after your last purchase, payment or delivery—even if your name is on the National Do Not Call Registry. And companies to which you've made an inquiry or submitted an application can call you for three months. However, your request to a company not to call you trumps an existing business relationship. That is, if you ask a company not to call you, it must honor your request, regardless of an established business relationship.

If you place your number on the national registry, you may still give written permission to particular companies that you want to hear from. And if you don't put your number on the national registry, you can still prohibit individual telemarketers from calling, one by one, by asking them to put you on their company's do not call list.

One more important point: Although callers soliciting charitable contributions do not have to search the national registry, a for-profit telemarketer calling on behalf of a charitable organization must honor your request to be on the charity's do not call list.

### **What if I'm on my state's do not call list?**

Most of the 27 states that have active do not call lists will transfer the numbers from their lists to the National Do Not Call Registry. A current list of states transferring their do not call lists to the national registry will be posted at [www.ftc.gov/donotcall](http://www.ftc.gov/donotcall). Consumers in states that are transferring their do not call lists to the national registry do not need to re-register. But consumers in states that have their own do not call lists, but are not transferring numbers to the national registry should register their number on the national registry if they choose to limit the number of telemarketing calls they get at home.

### **Are there other protections against unwanted telemarketing calls?**

The Telemarketing Sales Rule prohibits deceptive and abusive telemarketing acts and practices and protects consumers from unwanted late-night telemarketing calls:

- Calling times are restricted to the hours between 8 a.m. and 9 p.m.
- Telemarketers must promptly tell you the identity of the seller or charitable organization and—before they make their pitch—that the call is a sales call or a charitable solicitation.
- Telemarketers must disclose all material information about the goods or services they are offering and the terms of the sale. They are prohibited from lying about any terms of their offer.

### **In addition to creating the National Do Not Call Registry, the amended TSR:**

#### ***Restricts unauthorized billing.***

Before billing charges to your credit card account, telemarketers must get your express informed consent to be charged—and to charge to a specific account. If a telemarketer has your account information before the call and offers you goods or services on a free trial basis before charging you automatically—this is known as a “free-to-pay conversion” offer—the telemarketer must get your permission to use a particular account number, then ask you to confirm the number by repeating the last four digits, and, for your protection, record the entire phone transaction.

***Reduces abandoned calls.***

Starting October 1, 2003, telemarketers will be required to connect their call to a sales representative within two seconds of the consumer's greeting. This will reduce the number of "dead air" or hang-up calls you get from telemarketers. These calls result from the use of automatic dialing equipment that sometimes reaches more numbers than there are available sales representatives. In addition, when the telemarketer doesn't have a representative standing by, a recorded message must play to let you know who's calling and the number they're calling from. The law prohibits a sales pitch. And to give you time to answer the phone, the telemarketer may not hang up before 15 seconds or four rings.

***Requires caller ID transmission.***

Beginning January 29, 2004, telemarketers must transmit their telephone number and if possible, their name, to your caller ID service. This will protect your privacy, increase accountability on the telemarketer's part, and help in law enforcement efforts.

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